

FIRST REGULAR SESSION

HOUSE BILL NO. 109

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SKAGGS AND WILLOUGHBY (Co-sponsors).

Pre-filed December 7, 2000, and 1000 copies ordered printed.

ANNE C. WALKER, Chief Clerk

0394L.011

AN ACT

To repeal section 115.299, RSMo 2000, and to enact in lieu thereof two new sections relating to early voting procedures, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 115.299, RSMo 2000, is repealed and two new sections enacted in lieu thereof to be known as sections 115.299 and 115.670, to read as follows:

115.299. 1. To count absentee **and early** votes on election day, the election authority shall appoint a sufficient number of teams of election judges. Each team shall consist of four judges, two from each major political party.

2. The teams so appointed shall meet on election day after the time fixed by law for the opening of the polls at a central location designated by the election authority. The election authority shall deliver the absentee **and early voting** ballots to the teams, and shall maintain a record of the delivery. The record shall include the number of ballots delivered to each team and shall include a signed receipt from two judges, one from each major political party. The election authority shall provide each team with a ballot box, tally sheets and statements of returns as are provided to a polling place.

3. Each team shall count votes on all absentee **and early voting** ballots designated by the election authority. **Early voting ballots shall be tallied and returns made separate from those for absentee ballots.**

4. One member of each team, closely observed by another member of the team from a different political party, shall open each envelope and call the voter's name in a clear voice. Without unfolding the ballot, two team members, one from each major political party, shall

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 initial the ballot, and an election judge shall place the ballot, still folded, in a ballot box. No
18 ballot box shall be opened until all of the ballots a team is counting have been placed in the box.
19 The votes shall be tallied and the returns made as provided in sections 115.447 to 115.525 for
20 paper ballots. After the votes on all ballots assigned to a team have been counted, the ballots and
21 ballot envelopes shall be placed on a string and enclosed in sealed containers marked "voted
22 absentee ballots and ballot envelopes from the election held [....., 20....]
23 (date)" and marked "voted early ballots and ballot envelopes from the elections held
24(date)". All rejected absentee ballots and envelopes shall be enclosed and sealed
25 in a separate container marked "rejected absentee ballots and envelopes from the election held
26 [....., 20....](date)". All rejected early voting ballots and envelopes
27 shall be enclosed and sealed in a separate container marked "rejected early voting ballots
28 and envelopes from the election held (date)". On the outside of each voted
29 ballot and rejected ballot container, each member of the team shall write his name, and all such
30 containers shall be returned to the election authority. Upon receipt of the returns and ballots, the
31 election authority shall tabulate the absentee and early vote along with the votes certified from
32 each polling place in its jurisdiction.

115.670. 1. Each local election authority in this state may establish an early voting
2 period when eligible registered voters may vote before an election at the office of the local
3 election authority or another polling place appropriately designated by the local election
4 authority. The early voting period shall begin twenty days before the day of the election.

5 2. If the local election authority establishes early voting procedures, the local
6 election authority shall allow early voting each weekday during normal working hours
7 throughout the period provided for early voting, excluding state holidays. In such event,
8 the local election authority shall post the hours, dates and location for early voting at his
9 or her office and at the election authority's discretion such information may be posted at
10 other public places.

11 3. Except as provided in this section, early voting procedures shall be conducted
12 in accordance with sections 115.407 to 115.445.

13 4. Before the precinct registers are delivered to the polling places for an election,
14 the election authority shall record in the precinct registers the names of all voters who have
15 submitted an early voting ballot. The election judge shall not allow any person who has
16 voted an early voting ballot in the election to vote at the polls on election day. If it is
17 determined that any voter submitted an early voting ballot and voted at the polls on
18 election day, the election authority shall certify the fact and the name of the voter to the
19 verification board. Such certificate shall be included with the abstracts drawn by the
20 verification board.

21 **5. Early voting ballots shall be counted in accordance with the provisions of section**
22 **115.299, and shall be counted and tallied separately from absentee ballots.**

23 **6. Notwithstanding the provisions of any law to the contrary, any violation of this**
24 **section shall be a class one election offense.**